

Secretary of State John Kerry
Testimony Before the Senate Foreign Relations Committee
on the Disabilities Treaty
November 21, 2013

Chairman Menendez, Ranking Member Corker: Thank you for welcoming me back here to talk about the Disabilities Treaty.

It's not lost on any of us that eleven months ago the Senate fell just five votes short of approving this Treaty. It was a tough day for many of us who supported the Treaty, including Senator McCain who is a new member of the Committee but hardly a newcomer to this issue. In fact, he is one of the most eloquent voices about precisely why this Treaty is in America's interests.

In the after-action conversations I had with many Senators, Republican and Democrat both, including many who had voted against the Treaty, I heard some real regret about what had transpired and the unintended message the outcome sent to Americans with disabilities. And I heard from many not just a willingness, but a hope, that they would have the chance, in a new Congress, to take up the Treaty again – to demonstrate the important truth that Senators from both sides of the aisle care deeply about the rights of people with disabilities. Chairman Menendez and Ranking Member Corker are doing exactly that, with an eye towards airing every concern, so that Senators can make their own judgments in an atmosphere that is not clouded with procedural questions and I'm glad they are.

I think we all approach this renewed discussion having listened closely to all of you. We recognize that while many Senators voted yes, some Senators were dissatisfied with the process last year and that several are not prepared to support the Treaty until certain concerns are addressed. I want you to know that I am committed to helping find the common ground so that this Treaty moves forward with the broad bipartisan support it deserves.

I still believe what I believed the first time – that ratification of the Disabilities Treaty will advance core American values, expand opportunities for our citizens and businesses, and strengthen American leadership. And I am still convinced that we give up nothing by joining but get everything in return. Our ratification doesn't require a single change to American law, and it won't add a penny to our budget. But it will provide the hook we need to push other countries to raise their laws and standards for the protection of people with disabilities to the standard we set at home under President George H.W. Bush and Republican Leader Dole when we passed the Americans with Disabilities Act.

And I am especially engaged now as Secretary of State, because, having traveled to a great number of countries these last nine months since you confirmed me, I have seen firsthand the need for this Treaty in ways I never had before. It's not an abstract concept. There are countries where children with disabilities are warehoused from birth, denied even birth certificates, treated as second class citizens every day of their lives.

In too many countries, what we did here at home through the Americans with Disabilities Act hasn't been remotely realized overseas. In too many places, what we take for granted hasn't been granted at all.

I'll never forget my visit to a sports rehabilitation center for disabled veterans in Bogota earlier this year – a center that we support with funding from USAID. I met police officers injured by grenades, soldiers wounded by IEDs, volunteers caught in the crosshairs of a tragic shoot-out. These brave men and women have risked life and limb and lost friends in battle. And yet, there's a whole world that they're unable to access today because of their disability.

Moments like this clarify for me the work we must do to export our gold standard – the American standard. I hate seeing us squander our credibility on this issue around the world. When I tell other countries that they should do what we've done, I'm often reminded that we haven't joined the Treaty ourselves. When the 138 parties to the Treaty convene, we miss out on the opportunity to speak or to share our own experience. When other countries come together to discuss issues like education, accessibility, and employment standards for people with disabilities – areas where the United States has the greatest expertise – we've been excluded because we're not a party to the Treaty. And the bottom line is that when we're not there, other countries with different, and often lower, standards fill the void.

I don't want to see us continue to take ourselves out of the game. Remaining on the sidelines jeopardizes our role in shaping the future of disability rights in other countries. We need to help push open the door for other countries to benefit, not just from our example, but from our guidance and expertise.

Joining the Treaty is the most powerful step we can take to make that happen. Don't take my word for it. In a letter to this Committee last month, Former Secretary of State Colin Powell said it best. He wrote, "If the Senate does not approve this Treaty, the United States will continue to be excluded from the most important global platform for the implementation of best practices in disability rights abroad."

This is about something very real. It's about things you can see and touch that make a difference. I'm talking about, sidewalks without curb cuts; public buildings with no accessible bathrooms; restaurants, stores, hotels, and universities without ramps or elevator access; buses without lifts; and train platforms without tactile strips. We cannot afford to ignore these barriers as problems affecting other countries but not us. They're present all over the world, including in some of the top destinations for Americans traveling abroad for work or study. And we're not using all of our power and influence to change things for the better if we don't join the Treaty.

Just think about what this Treaty can mean to our own veterans with disabilities. Last year, I met Dan Berschinski. He's a West Point graduate, retired U.S. Army captain, and Afghanistan War veteran. Like many of us, Dan never thought that he would one day have a disability. But his life changed instantly when he stepped on the trigger of an IED and lost both his legs.

Dan speaks in searing terms about the difficulty, fear, and embarrassment of negotiating obstacles abroad as a person with a disability. He experienced those obstacles firsthand when he

travelled to South Africa. As he told me last year, “the advantages we take for granted here at home that allow people like me to live fulfilling, independent lives, don't exist in much of the rest of the world.”

Dan is now a student at Stanford business school. We all want him to take advantage of every possible opportunity. He can do that in the United States because of the ADA and our other disability rights laws. But as Dan will tell you, his opportunities in the increasingly important international market are hindered by his disability – a disability he acquired fighting overseas on our behalf.

There are an estimated 5.5 million disabled American veterans just like Dan. Many of the veterans and their beneficiaries on the post-9/11 GI Bill have a disability – and many of them are unable to study abroad because of poor accessibility standards at schools overseas.

I've met with recovering veterans at home in Massachusetts and at Walter Reed. They want and deserve a world where they can travel abroad to work, study, or just vacation. They should never have to worry about whether the disabilities sustained fighting on our behalf will prevent them from accessing classrooms, workplaces, hotels or transportation overseas. Like all people with disabilities, they deserve a world where they can fully participate in the global economy on equal terms without fear of discrimination or loss of dignity.

Joining the Disabilities Treaty will also help expand opportunities for American students with disabilities, who need to be able to study abroad to prepare themselves to compete in the global economy. Take Anais Keenon, one of our outstanding interns at the State Department. Anais is a graduate student with dreams of a career in foreign affairs. She also happens to be deaf.

Two years ago, she traveled to Ghana. It was the opportunity of a lifetime. But the obstacles she faced – from the absence of written directions on how to proceed through customs at the airport to the absence of fire alarms with flashing lights in public buildings – made the demands of everyday life so much more difficult for her. She managed to travel despite obstacles in her way that would stop others from traveling at all. Anais is exceptional. But it shouldn't be the exception – it should be the rule. America has more students with disabilities in higher education than ever before. But students with disabilities participate in study abroad programs less than half as often as those without disabilities. Our joining the Treaty will help change those numbers.

Consider a few very concrete examples:

We're talking about joining a Treaty that will strengthen our hand as we push for fire alarms with flashing lights so people who are deaf or hard of hearing know when there's an emergency and they need to evacuate. We're talking about joining a Treaty that will give us the leverage we need to push for other countries to have sidewalks with curb cuts so people who use wheelchairs can safely cross the street, or tactile strips on train platforms so people who are blind don't fall off the edge.

Our joining the Treaty means that we lead the way for other countries to raise their standards, and it means we lead the way for them to adopt OUR standards – for curb cuts, ramps, bus lifts, accessible bathrooms, tactile strips, fire alarms with flashing lights and all of the other advancements that have made an enormous difference in the lives of Americans with disabilities.

Now, we all know that change will not come overnight or through joining the Treaty alone. When we passed the ADA, sidewalks with curb cuts and accessible bathrooms didn't appear the next day; nor did all of the businesses that make accessible products to serve people with disabilities.

The Disabilities Treaty – just like the ADA – is a process. Our joining the Treaty, followed by our sustained engagement with Treaty partners, will help other countries move forward in that process. By helping them, we help ourselves.

If we join, we will put ourselves in the strongest position to push other countries to make systemic changes in how they treat persons with disabilities, changes which will help more students – like Anais – study abroad. That's why hundreds of disability rights groups, faith-based organizations, and businesses support this Treaty.

If we join, we will help ensure that our wounded warriors from Afghanistan and Iraq – vets like Dan Berschinski – have the same opportunities abroad as other Americans. That's why the American Legion – the nation's largest wartime veterans service organization – the VFW, and many other veterans groups support ratification.

And if we join, we will open new markets and level the playing field for our businesses, who already meet robust accessibility standards. As other countries rise to meet our standards and need our expertise, they will look to our businesses for accessible products and technologies. That's why the U.S. Chamber of Commerce, IBM, the Consumer Electronics Association, and many other businesses support U.S. ratification.

So what's really at stake? Joining the Disabilities Treaty is the single most important step we can take right now to expand opportunities abroad for the more than 50 million Americans with disabilities. This Treaty isn't about changing America. It's about America changing the world.

The way we treat people of all backgrounds – including how we treat our brothers and sisters with disabilities – demonstrates our values and defines who we are. That's our greatest export, and this is our chance to make sure that we leave no one behind. The principle here is simple: Any one of us could become disabled tomorrow. And though our circumstances might change, our rights and opportunities must never change. That is what is at stake, and that is why I hope that we can get past the division, reason together, and find a way forward this year.

Thank you, and I look forward to your questions.